

# Exhibit 1

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U.S. DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

2002 APR -3 PM 2:17

DVIR UNGAR, et al. NANCY M.  
MAYER-WHITTINGTON  
Plaintiffs, CLERK

v.

THE ISLAMIC REPUBLIC OF IRAN,  
et al.,Defendants.  
...... Docket No. CA 00-2606 JR  
. Washington, D.C.  
. Tuesday, January 15, 2002  
. 9:44 a.m.**FILED**

APR - 3 2002

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURTTRANSCRIPT OF EVIDENTIARY HEARING  
BEFORE THE HONORABLE JAMES ROBERTSON  
UNITED STATES DISTRICT JUDGE

## APPEARANCES:

For the Plaintiffs:

McINTYRE, TATE, LYNCH, AND HOLT  
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For the Defendants:

(No appearances)

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PHONE: (202) 289-8661Proceedings reported by machine shorthand, transcript produced  
by computer-aided transcriptionDennis A. Dinkel, RDR, CRR  
Official Court Reporter

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DENNIS A. DINKEL, RDR, CRR -- Official Court Reporter

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1 back to Congress presumably for some authority to collect it;  
2 is that right?

3 MR. STRACHMAN: I think I described accurately, Your  
4 Honor, the process. The statute was changed -- there were five  
5 cases, five specific cases identified by date of filing. This  
6 was not one of the cases. This case was filed on or about the  
7 very week that the statute was amended.

8 And there is a process; and as I said before, the Elahi  
9 case which was decided within weeks of the October amendment  
10 being passed was specifically not included, was recognized by  
11 the Judge in Elahi as being not within that. You are right.  
12 In a sense a judgment will be inchoate in the sense that we  
13 have to figure out how to collect it.

14 There are other mechanisms potentially of collection as  
15 well that are being explored and have been explored by the  
16 plaintiffs in the other cases. This is not the exclusive  
17 mechanism of recovery. In other words, against the Treasury  
18 vis-a-vis the Foreign Military Sales Act account that  
19 Dr. Clawson mentioned.

20 THE COURT: All right. Well, as I said this morning,  
21 Mr. Strachman, you have been very responsive to the concerns I  
22 laid out in the memorandum I issued a couple of weeks ago.

23 I think we have done about all that we can do today. I  
24 need to consider the testimony I've heard today, the materials  
25 that you submitted to me, and determine where we go from here;

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1 witnesses.

2 THE COURT: My assumption is that I have heard it  
3 through the experts.

4 MR. STRACHMAN: Correct.

5 THE COURT: And the experts have told me what's  
6 essentially in those documents. If I needed the raw documents,  
7 you could provide them; but the experts have told me what is  
8 known about the trainer and his relationship to this cell and  
9 the relationship of Iran to Hamas generally.

10 MR. STRACHMAN: Correct.

11 THE COURT: So the only thing you would provide would  
12 be more, sort of source material, shall we say?

13 MR. STRACHMAN: And the source material is of the  
14 nature that we described. It is -- to be frank, it is not more  
15 direct than what we have.

16 THE COURT: Okay. That's exactly what I wanted to  
17 hear. I'm going to consider this record complete.

18 MR. STRACHMAN: Lastly, Judge, so we are clear: All  
19 of those underlying documents that were testified to are here  
20 and have been delivered to the Court in the raw form by the  
21 Israeli government.

22 I ask those records be made part of the record somehow.  
23 They were returned to me, but I believe that appropriately they  
24 are returnable to the Court and not to me.

25 THE COURT: Well, here's how we do it here: We

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1 but I will get to that as soon as I can and I will let you know  
2 by the issuance of an appropriate memorandum or order.

3 MR. STRACHMAN: Thank you, Your Honor.

4 THE COURT: Oh, one more thing. You did say -- you  
5 remember you -- when I issued that memo you called and said --  
6 you called, I called back, we had this avowedly ex parte  
7 communication which I said was okay because there was nobody  
8 else in the case anyway, in which you expressed some concern  
9 about going forward on this basis today because you said you  
10 had some additional information that had to be translated and  
11 so forth.

12 I gather those concerns are past and that I may consider  
13 this the complete record on liability?

14 MR. STRACHMAN: It was my understanding -- it was my  
15 understanding that if the Court needed more information, we  
16 would have an opportunity to obtain more information. We  
17 thought that based on the concern for scheduling, et cetera,  
18 that we were going to go forward today.

19 THE COURT: Right. But what more information is  
20 there? Or would you have provided if you had had more time?

21 MR. STRACHMAN: Well, on one level, we would start  
22 digging. On another level, I think there'd be thousands of  
23 pages of Hebrew and Arabic translations that would be  
24 submitted, excerpts of which we provided to the Court and also  
25 I think we sort of brought in to the Court by the expert

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1 return them to the -- we return them to you with instructions  
2 that you got to hang on to them. That means the clerk doesn't  
3 have to worry about filing them or find a place to file them or  
4 to figure out how to file them.

5 But if they are ever needed for review, you're on the hook  
6 to provide them.

7 MR. STRACHMAN: I'll be happy to do that, Judge, Your  
8 Honor. I just didn't want to possess documents that you  
9 felt --

10 THE COURT: I understand. But our ruling here is  
11 that an officer of the court may perform that function for the  
12 court; so you're it. You're the file clerk for these  
13 documents.

14 MR. STRACHMAN: Thank you, Your Honor.

15 THE COURT: Okay. If there's nothing further, I want  
16 to thank you all very much. We're adjourned.

17 MR. STRACHMAN: Thank you.  
18 (Proceedings adjourned at 3:14 p.m.)  
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33 (Pages 126 to 129)

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Electronically signed by Dennis A. Dinkel (301-173-695-7434)

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CERTIFICATE

I, DENNIS A. DINKEL, Official Court Reporter,  
certify that the foregoing pages are a correct transcript  
from the record of proceedings in the above-entitled matter.

Dennis A. Dinkel

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